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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Erwin Aguayo, et al.

Application No.: 09/804,853

Filed: March 13, 2001

Group Art Unit: 2711

For: VIDEO DATA MANAGEMENT,
TRANSMISSION, AND CONTROL SYSTEM
AND METHOD EMPLOYING DISTRIBUTED
VIDEO SEGMENTS MICROCASTING

Examiner: Not Yet Assigned

RECEIVED

JUL 05 2001

OFFICE OF PETITIONS

**DECLARATION BY MARTIN M. ZOLTICK
IN SUPPORT OF THE PETITION**

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

SIR:

I, Martin M. Zoltick, Esq., am an attorney representing the Assignee of Record of the above-identified application, Comnet Media Corporation,¹ and I hereby declare as follows:

- (1) Copies of correspondence between the undersigned counsel and Mr. Salwan demonstrating that a *bona fide* attempt was made to present a copy of the application papers (including the specification, claims, drawings, and Declaration) to Mr. Salwan and providing proof of Mr. Salwan's refusal to execute the Declaration are attached as Exhibits 1-7 to the Petition.
- (2) The specific correspondence and timeline of the correspondence is as follows:
 - Letter (via Federal Express) from M. Zoltick to A. Salwan enclosing application papers and

¹ Exhibit A hereto is a copy of the Notice of Recordation of Assignment Document and Assignments.

- requesting that Mr. Salwan review the application papers and execute the Declaration -- **(Exhibit 1 to Petition)** June 8, 2001
- Letter (via facsimile) from A. Salwan to M. Zoltick requesting figures -- **(Exhibit 2 to Petition)** June 12, 2001
 - Letter (via facsimile) from V. Hudson to A. Salwan enclosing figures -- **(Exhibit 3 to Petition)** June 12, 2001
 - Letter (via facsimile and U.S. Mail) from A. Salwan to M. Zoltick acknowledging receipt and raising business issues -- **(Exhibit 4 to Petition)** June 14, 2001
 - Letter (via facsimile) from M. Zoltick to A. Salwan acknowledging business issues and again requesting that Mr. Salwan review the application papers and execute the Declaration -- **(Exhibit 5 to Petition)** June 18, 2001
 - Letter (via facsimile) from A. Salwan to M. Zoltick acknowledging receipt and raising business issues -- **(Exhibit 6 to Petition)** June 20, 2001
 - Letter (via facsimile) from M. Zoltick to A. Salwan confirming Mr. Salwan's refusal to sign the Declaration -- **(Exhibit 7 to Petition)** June 22, 2001
- (3) The correspondence submitted with the Petition as Exhibits 1-7 and referred to in Paragraph 2 hereof provides the circumstances of the refusal of Mr. Salwan to execute the Declaration. The correspondence also demonstrates my *bona fide* attempt to present a copy of the application papers (including the specification, claims, drawings, and Declaration) to Mr. Salwan.

(4) I hereby declare that all statements made herein of my own knowledge are

true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Dated: June 29, 2001

Respectfully submitted,

By 

Martin M. Zoltick

Registration No.: 35,745

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